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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/881,509	06/24/1997	DOLORES J. SCHENDEL	P564-7015	3145

7590

06/13/2002

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EXAMINER

DECLoux, AMY M

ART UNIT	PAPER NUMBER
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1644

DATE MAILED: 06/13/2002

33

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/881,509

Applicant(s)

SCHENDEL, DOLORES J.

Examiner

Amy M. DeCloux

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2002 and 27 December 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7, 12, 26 and 45-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 4-7, 12, 26 and 45-47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 31.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: Notice to Comply with Requirements or Sequence Disclosures.

DETAILED ACTION

Applicant's amendment filed 3-26-02 (Paper No. 32) is acknowledged and has been entered. In view of Applicant's amendment, all the outstanding rejections have been withdrawn. However, there are some minor objections which are outlined below, and the instant application is not in sequence compliance for the reason listed below.

Information Disclosure Statement

The information disclosure statement filed 12-27-01 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. Specifically, Document "AE", Document No. 0 676 468 A2 is not in the English language. Please see the attached copy of the 1449 form.

Claim Objections

1. Claims 2, 4-5, 7, 26 and 45-46 are objected to because of the following informalities: The first noun in each of these claims lacks a definite article such as "The" or "An".

A) Claim 2, line 1, recites "Isolated nucleic acid which codes for the...". Inserting the word "An" before the word "Isolated", and replacing the capital "I" in the word "Isolated" with a small "i" would overcome the objection. Appropriate correction is required.

B) Claim 4, line 1, recites "Nucleic acid as claimed in claim 2 wherein the amino...". Inserting the word "A" before the word "Nucleic", and replacing the capital "N" in the word "Nucleic" with a small "n" would overcome the objection. Appropriate correction is required.

C) Claim 5, line 1, recites "Vector,...". Inserting the word "A" before the word "Vector", and replacing the capital "V" in the word "Vector" with a small "v" would overcome the objection. Appropriate correction is required.

D) Claim 7, line 1, recites "Cell,...". Inserting the word "A" before the word "Cell", and replacing the capital "C" in the word "Cell" with a small "c" would overcome the objection. Appropriate correction is required.

E) Claim 26, line 1, recites "Pharmaceutical composition which contains as an...". Inserting the word "A" before the word "Pharmaceutical", and replacing the capital "P" in the word "Pharmaceutical" with a small "p" would overcome the objection. Appropriate correction is required.

F) Claim 45, line 1, recites "Isolated nucleic acid of claim 2 wherein the nucleic acid is purified.". Inserting the word "An" before the word "Isolated", and replacing the capital "I" in the word "Isolated" with a small "i" would overcome the objection. Appropriate correction is required.

G) Claim 46, line 1, recites "Nucleic acid of claim 2 wherein the CDR3 region is (a).". Inserting the word "A" before the word "Nucleic", and replacing the capital "N" in the word "Nucleic" with a small "n" would overcome the objection. Appropriate correction is required.

Specification

The abstract of the disclosure is objected to because it contains the word "new" in line 1. Patents are presumed to be new. Correction is required. See MPEP § 608.01(b).

Sequence Compliance

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Specifically, claim 1 recites SEQ ID NO:23 YCL (X1...Xn)SARQLTF in which X1...Xn represents a sequence of 3-4 amino acids, wherein the amino acid sequence X1...Xn is selected from the group consisting of the amino acid sequences VGG, VLSG, ATG, VSG, DSG, VVSG, ALAG, APSG and VGR. It is noted that the paper copy of the sequence listing details that "Xaa(1) to Xaa(5) represents a sequence of 3 to 5 amino acids, and no limitation is put on which amino acids can be placed there. In order to comply with sequence rules, an additional SEQ ID NO: tag is required for each sequence that comprises a unique subset of amino acids defined by X1...Xn. For example, when X1...Xn is represented by VGG, a sequence ID tag identifying the complete sequence of YCLVDGSARQLTF is required. This applies to claim 4 as well.

Allowable Subject Matter

Claims 2, 4-5, 7, 26 and 45-46 contain allowable subject matter because the prior art does not teach or suggest an isolated nucleic acid that encodes for an alpha chain of the TCR and comprises a CDR3 region SEQ ID NO:1, wherein SEQ ID NO:1 contains the amino acids specified in claim 1, a vector thereof, a cell thereof, or a composition thereof.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

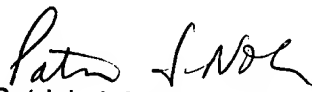
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy M. DeCloux whose telephone number is 703 306-5821. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 703 308-3973. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3014 for regular communications and 703 305-7401 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0196.

Amy DeCloux, PhD,
Patent Examiner, Group 1640,
June 6, 2002


Patrick J. Nolan, PhD,
Primary Patent Examiner, Group 1640,